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REMARKS

An excess claim fee payment letter is submitted herewith for one (1) excess independent claim.

Claims 1-20 are all the claims presently pending in the application. Claims 1-6 stand rejected on prior art grounds. New claims 7-20 have been added to claim additional features of the invention. This Amendment amends claims 1-6. Attached hereto is a marked-up version of the changes made to the claims by the current Amendment.

It is noted that the claim amendments are made to merely clarify the language of each claim, and not for distinguishing the invention over the prior art, narrowing the claims, or for any statutory requirements of patentability. It is further noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

Regarding the prior art rejection, claims 1-6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wilska et al (U.S. Pat. No. 6,427,078) in view of Honda et al (U.S. Pat. No. 6,477,353).

This rejection is respectfully traversed in view of the following discussion.

I. THE CLAIMED INVENTION

Applicant's invention, as disclosed and claimed in independent claim 1, and similarly by independent method claim 4, is directed to receiving a wireless data signal into a wireless telephone and designating the signal to send to a designated apparatus such as a camera, computer, or printer, through a wireless data communications port that is located on the

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telephone. A user selects from a menu on a display screen to designate the data to be received, to designate the apparatus to which the data is to be transmitted, and to output the data to the designated apparatus.

The telephone device of the present invention includes a wireless telephone that receives data of at least one of an image and characters through a transmitting provider, a detector on the telephone to detect the data to be received from the transmitting provider, a designating device that designates the data for reception by the telephone from the transmitting provider and that designates an apparatus to which the received data is to be transmitted, and a wireless communicating device that communicates with the apparatus without the transmitting provider and transmits the data to the apparatus designated by said designating device. The telephone also includes a displaying device that displays information or an index image of the received data and a menu for designating the data for reception by the wireless telephone.

A conventional cellular mobile phone is capable of inputting and outputting character data and simple image data. Digital cameras and printers are also widely used, and digital images can be easily inputted and outputted from these devices (Application, p.1, lines 21-25). A prior art TV cellular phone can only receive images and transmit the images to transmitting providers to display the image (Application p.2, lines 8-9). Cellular telephones cannot display and store a high quality image due to the small recording capacity and poor processing performance of the phone. Further, cellular telephones cannot communicate directly with apparatuses where the user can determine which files to download from a transmitting provider source and choose which apparatus that will receive data files from the

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telephone.

The present invention, on the other hand, uses a wireless telephone to receive data in the form of data, voice, or image files that can be sent from a similar wireless telephone through a transmitting provider. The telephone has a display with a menu system that is driven by a designating device on the phone and the ability to store image, voice, or character data received through a transmitting provider. In other words, the claimed invention has “a detector for detecting the data received from the transmitting provider, a designating device for designating the data for reception by the wireless telephone from the transmitting provider and for selectively designating an apparatus to which the received data is to be transmitted, and a wireless communicating device that communicates with the apparatus without the transmitting provider and transmits the data to the apparatus designated by said designating device,” as recited in claim 1.

II. THE PRIOR ART REJECTION

The Examiner asserts that claims 1-6 of Applicant's invention are unpatentable over Wilska et al (U.S. Pat. No. 6,427,078) in view of Honda et al (U.S. Pat. No. 6,477,353) under 35 U.S.C. § 103(a). Applicant submits, however, that there are elements of the claimed invention which are neither taught nor suggested by the Examiner's urged combination of the references.

THE WILSKA REFERENCE

The Examiner alleges that Wilska et al (US 6,427,078) would have been combined

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with Honda et al (US 6,477,353) to form the claimed invention. Applicant submits that these references would not have been combined, and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

Wilska teaches a "notebook computer," (col. 2, lines 25-31) which includes a slot for an attachable camera unit (col. 3, lines 25-25) together with cellular and modem technology integrated into the computer (col. 3 lines 37-45). The notebook computer can transmit both speech and data "in the same way as a conventional hand-held telephone." (Wilska, col. 3, lines 45-53).

Applicant submits that Wilska teaches different objectives and matters as the claimed invention. Contrary to the Examiner's assertions, Wilska does not teach or suggest the claimed invention of a cellular phone with a "designating device for designating the data for reception by the wireless telephone from the transmitting provider, as recited in claim 1. Even assuming arguendo that Wilska has an ability to designate reception of incoming data, any similarity with the claimed invention stops there. Wilska does not disclose or suggest the claim 1 element of "selectively designating an apparatus to which the received data is to be transmitted." Wilska teaches a computer and mobile phone that are an integrated unit (Wilska col.3, line 37; Figures 1,3), but does not teach or suggest that the mobile phone portion of the notebook computer unit can selectively designate an apparatus to receive transmitted wireless signals.

Hence, turning to the clear language of claims 1 and 4, there is no disclosure or suggestion of "selectively designating an apparatus to which the received data is to be transmitted."

THE HONDA REFERENCE

Honda teaches a plurality of portable information terminals that automatically propagate a signal containing data in a chain-like series between the terminals. A user can designate the information to be displayed using an input device. As an example, if the user wants to know the traffic information, the user sets a display controller on a portable information terminal so that the display device displays traffic information (Honda, col. 6, lines 45-49).

The Examiner has not cited a prior art reference that suggests in some way a modification of a particular reference (e.g. Wilska) or a combination with another reference in order to arrive at the claimed invention. The prior art references themselves must suggest the desirability, and thus the obviousness of making the combination independent of the present invention. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination.

As stated previously, Wilska does not teach or suggest the claim 1 element of “selectively designating an apparatus to which the received data is to be transmitted.” No person of ordinary skill in the art would consider combining such references, absent hindsight.

Therefore, the references would not have been combined as alleged by the Examiner and even if combined, the combination would not teach or suggest each and every element of the claimed invention. The Examiner has admitted that “Wilska et al didn’t specifically

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disclose receiving data via a transmitting provider and a designating device that causes information to be transmitted to another apparatus." (Office Action, p. 2). Contrary to the Examiner's assertions, Honda fails to make up for the deficiencies of Wilska.

Honda merely teaches that a user can designate the information to be displayed using an input device (Honda, col. 6, lines 45-49). In other words, the only user interaction disclosed in Honda is whether to display advertisement or similar data that has already been passively received from a service provider onto the portable information terminal's display screen. In Honda, the transfer of data signals is controlled by automated sending and receiving features that are managed by a communication controller within the portable information terminals themselves (col. 6, lines 33-35, 62-65). Therefore, Honda cannot teach or suggest "designating the data for reception by the wireless telephone from the transmitting provider and . . . selectively designating an apparatus to which the received data is to be transmitted," as recited in claims 1 and 4. Clearly, neither Wilska nor Honda teaches or suggests these novel features.

That is, turning to the exemplary claim language of independent claim 1, there is no teaching or suggestion of "*a detector for detecting the data received from the transmitting provider; a designating device for designating the data for reception by the wireless telephone from the transmitting provider and for selectively designating an apparatus to which the received data is to be transmitted; and a wireless communicating device that communicates with the apparatus without the transmitting provider and transmits the data to the apparatus designated by said designating device.*"

For at least the reasons stated above, Applicant respectfully submits that the cited

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references fail to teach or suggest every feature of claims 1-6.

Furthermore, Applicant submits that claims 2-3 are patentable not only by virtue of their dependency from independent claim 1 but also by the additional limitations they recite, and that claims 4-6 are patentable not only by virtue of their dependency from independent claim 4 but also by the additional limitations they recite. Therefore, claims 1-6 are fully patentable over the cited references.

Based on the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejection.

III. INFORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-20, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to withdraw the rejection and pass the above application to issue at the earliest possible time.


Should the Examiner find the application to be other than in condition for allowance, the Examiner may contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

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The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE**IN THE CLAIMS:****The claims were amended as follows:**

1. (Amended) A wireless telephone that receives data of at least one of an image and characters through a transmitting provider, said wireless telephone comprising:

a detector for detecting the data received from the transmitting provider;

a designating device [that designates] for designating the data for reception by the wireless telephone from the transmitting provider and for selectively designating [that designates] an apparatus to which the received data is to be transmitted; and

a wireless communicating device that communicates with the apparatus without the transmitting provider and transmits the data to the apparatus designated by said designating device.

2. (Amended) The wireless telephone as set forth in claim 1, further comprising a displaying device that displays a menu for designating the data for reception by the wireless telephone and displays [that the telephone has] received information on data of the at least one image and characters through the transmitting provider.

3. (Amended) The wireless telephone as set forth in claim 2, wherein[:] said displaying device displays the received information; and

said designating device allows the user to designate[s] the data to be received from the information displayed by said displaying device.

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4. (Amended) A data transmitting method for a wireless telephone, comprising [the steps of]:

detecting the data to be received from a transmitting provider;

designating the data for reception by the wireless telephone from the transmitting provider;

receiving the data into the wireless telephone [of at least one of an image and characters through a] from the transmitting provider, said data comprising at least one of an image and characters;

designating an apparatus to which the received data is to be transmitted; and

transmitting the data to the designated apparatus with a wireless communicating device that communicates with the apparatus without the transmitting provider.

5. (Amended) The data transmitting method for the wireless telephone as set forth in claim 4, further comprising [the step of] displaying that the telephone has received information on data of the at least one of image and characters through the transmitting provider and displaying a menu for designating the data for reception by the wireless telephone.

6. (Amended) The data transmitting method for the wireless telephone as set forth in claim 5, wherein[:] the displaying [step] comprises [the step of] allowing a user to designate the data to be received from the transmitting provider.[displaying the received information; and

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the data to be received is designated from the received information.]